

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

JOHN WESLEY POTEAT,

Petitioner,

v.

ATTORNEY GENERAL OF THE STATE OF
NEW JERSEY, et al.

Respondents.

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Civ. No. 16-2351 (RBK)

MEMORANDUM AND ORDER

Petitioner is a state prisoner proceeding *pro se* with a petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2254. On February 1, 2017, this Court denied the habeas petition and denied a certificate of appealability. Petitioner filed an appeal. Presently pending before this Court is petitioner's applications to proceed *in forma pauperis* on appeal. (*See* Dkt. Nos. 19 & 20) After petitioner filed his pending applications to proceed *in forma pauperis* on appeal, the United States Court of Appeals for the Third Circuit denied a certificate of appealability on April 24, 2017. (*See* Dkt. No. 21) On May 1, 2017, the Third Circuit entered an order stating that it would take no action on petitioner's pending application to proceed *in forma pauperis* that was pending before that Court in light of the order denying a certificate of appealability entered on April, 24, 2017 that denied a certificate of appealability. In light of the denial of a certificate of appealability by the Third Circuit, petitioner's applications to proceed *in forma pauperis* on appeal pending before this Court will be denied as unnecessary.

Accordingly, IT IS this 4th day of May, 2017,

ORDERED that petitioner's applications to proceed *in forma pauperis* on appeal (Dkt. Nos. 19 & 20) are denied as unnecessary as the Third Circuit has now denied a certificate of appealability on petitioner's appeal; and it is further

ORDERED that the Clerk shall serve this Order on petitioner by regular U.S. mail.

s/Robert B. Kugler
ROBERT B. KUGLER
United States District Judge